X	Original		Updated		Corrected		Supplemental
LRB	Number	09-2089/1		Introd	uction Numl	ber A	B-0223
	ht to a trial by ent in the Se				has reserved the venile correction		recommend beyond the age of
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Agency	y/Prepared E	Ву	Αι	uthorized Si	ignature		Date
DA/ Phi	il Werner (60	8) 267-2700	$I_{Tc}$	om Herman (	(608) 266-0239		4/30/2009

## Fiscal Estimate Narratives DA 4/30/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original
<b>Description</b> The right to a t	rial by jury for a juver ne Serious Juvenile C	nile for whom the petition	oner has res a juvenile co	erved the right to re prrectional facility b	ecommend eyond the age of
, majority				•	-

#### Assumptions Used in Arriving at Fiscal Estimate

Prosecutors are concerned about the additional time jury trials would add to their workload; however, in many counties this may affect a potentially small number of cases. In some situations, the DA's office could consider a waiver of the case to adult court.

Due to the uncertainty of this bill's effect on DA offices, it is not possible to estimate a fiscal impact.

### Long-Range Fiscal Implications

Due to the reasons cited above, it is not possible to project a long-term fiscal impact.

X	Original		Updated		Corrected		Supple	emental
LRB	Number	09-2089/1		Intro	duction N	lumber	AB-022	3
Descri The rig placen majorit	tht to a trial by nent in the Se	y jury for a juve rious Juvenile	nile for whom the Offender Progran	petitione n or in a j	er has reserv uvenile corre	ed the right ectional facil	to recomm lity beyond	end the age of
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l	Sources Affe PR 🔲 FED		PRS SEC	ā □.s	Affecte EGS	ed Ch. 20 A	ppropriation	ons
Agend	y/Prepared l	Ву	Au	horized	Signature			Date
DCF/I	Robert Nikola	y (608) 261-43	49 Rol	oert Nikol	ay (608) 261	-4349		8/3/2009

## Fiscal Estimate Narratives DCF 8/3/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original					
Description										
	The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend									
placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of										
majority										

#### **Assumptions Used in Arriving at Fiscal Estimate**

This bill grants the right to a jury trial in a proceeding under the Juvenile Justice Code if the person filing the delinquency petition reserves the right to recommend placement of the juvenile in the Serious Juvenile Offender program or in a juvenile correctional facility beyond the age of 17 years.

There should be no fiscal impact to the Department under this bill. A local impact may occur if county juvenile justice workers require additional time for court preparation and court attendance in those cases where a jury trial is requested. It is unknown how many jury trials would be requested and any additional county worker time, if any, would be needed for a jury trial. Thus, the fiscal impact of this cannot be determined.

X	Original		Updated		Corrected		Supplemental
LRB	Number	09-2089/1		Introd	luction Num	ber A	B-0223
	ht to a trial b nent in the Se				has reserved the venile correction		recommend beyond the age of
	No State Fisc ndeterminate	e Existing	∏ Increa Reven	ise Existing			- May be possible
Local:	Decrease Appropriat Create Ne	Existing	Reven	ase Existing nues		sorb within Yes ease Costs	agency's budget No
	Indeterminate  1.  Increase Permiss  2.  Decrease Permiss	e Costs sive Mandato se Costs sive Mandato	3.  Increa ory Permis 4.  Decrea	se Revenue ssive  Man ase Revenue ssive  Man	Gover □ To datory ☑ C	of Local rnment Uni owns ounties chool istricts	ts Affected Village Cities Others WTCS Districts
Fund S	Sources Affe		]PRS 🔲 S	EG 🗌 SE	Affected Cl	h. 20 Appr	opriations
Agenc	y/Prepared I	Ву	A	Authorized S	ignature		Date
DOC/ I	Dawn Woesh	nick (608) 240-	5417 F	Robert Margo	lies (608) 240-5	056	5/4/2009

## Fiscal Estimate Narratives DOC 5/4/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original				
Description	rial by jury for a juyor	aile for whom the petitic	oner has rese	med the right to r	ocommond				
The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of									
majority									

#### **Assumptions Used in Arriving at Fiscal Estimate**

This bill would allow a juvenile, his or her parents, or legal custodian the right to a trial by jury if the person filing the delinquency petition reserves the right to recommend placement of the juvenile in the Serious Juvenile Offender Program or in a secured correctional facility beyond the age of 17.

This bill may have a fiscal impact on county detention facilities or the Department of Corrections (if the youth was under Department supervision as a Serious Juvenile Offender), because a jury trial may extend the length of time that a youth spends in the adjudication process and Serious Juvenile Offenders may be held pending disposition of a case.

Since it is not possible to determine how many cases would be granted a jury trial, or how the involvement of/decisions by juries may change the number of juveniles committed to DOC, it is not possible to accurately estimate the actual costs.

$\boxtimes$	Original		Updated		Corrected		Supple	emental
LRB	Number	09-2089/1		Intro	duction N	lumber	AB-022	23
	ght to a trial b nent in the Se		enile for whom th Offender Progra					
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	No Local Gov Indeterminate 1. Increase Permiss 2. Decrease	e Costs sive 🔲 Mandate	3. ☐ Increas ory ☐ Permis 4. ☐ Decrea	se Revenue sive	ndatory le	Types of Loc Government Towns Counties School Districts	Units Affect: Villages S Others	e Cities s S
	Sources Affe		PRS SI	EG 🔲 S	Affect EGS	ed Ch. 20 A	Appropriati	ons
Agen	cy/Prepared	Ву	Α	uthorized	Signature			Date
DOJ/	Mark Rinehar	t (608) 264-946	63 M	lark Rineha	art (608) 264	I-9463		2/22/2010

# Fiscal Estimate Narratives DOJ 2/22/2010

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original
<b>Description</b> The right to a tr placement in th majority	ial by jury for a juver	nile for whom the petition	oner has res	erved the right to re	ecommend
	e Serious Juvenile C	Offender Program or in	a juvenile co	prrectional facility b	eyond the age of

### Assumptions Used in Arriving at Fiscal Estimate

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Assembly Bill 223.

	Original		Updated		Corrected		Supple	mental
LRB I	Number	09-2089/1		Intro	duction Nu	ımber <b>A</b>	B-022	3
	ht to a trial by ent in the Se		nile for whom t Offender Progr					
Fiscal I	Effect			A SE SERVICE DE SE		Markette, II. annualist a de manuales, et 100 de de 100 com de	ettentus, he etten uttaris, hinne kann	the state of the s
	lo State Fiscandeterminate Increase E Appropriat Decrease Appropriat Create New	xisting ions Existing	Reven Decrea	ase Existing	to	crease Costs absorb within Yes ecrease Cost	n agency	
1	ndeterminate I.	e Costs ive ☐ Mandato	3. Increasory Permis 4. Decreas	se Revenue ssive  Mar ase Revenu ssive  Mar	Go ndatory Z e	oes of Local vernment Un Towns Counties School Districts	nits Affect Village Others WTCS District	Cities
Fund S	ources Affe		]PRS []S	EG 🔲 SI	Affected EGS	i Ch. 20 App	ropriatio	ons
Agency	y/Prepared E	Ву	م	uthorized	Signature			Date
SPD/ N	like Tobin (60	08) 266-8259	ĸ	rista Ginge	r (608) 264-85	572		4/24/2009

## Fiscal Estimate Narratives SPD 4/24/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original					
Description										
The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend										
placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of										
majority										

### **Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would amend procedures in certain juvenile delinquency cases to provide the right to a jury trial. Therefore, the SPD does not anticipate any increase in its caseload as a result of this proposal.

A jury trial generally takes a longer period of time than a court trial because of such factors as the time necessary to select the jury and to determine certain legal issues outside the presence of the jury. However, the percentage of cases in which jury trials occur in SPD cases is very small, except for specialized case types in which indefinite commitment or loss of parental rights is at issue. Furthermore, the availability of a jury trial or the scheduling of a case for a trial may in some cases encourage the parties to consider a negotiated settlement earlier in the process than they otherwise might. Therefore, the SPD does not anticipate any increase in costs attributable to this proposal.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. However, for the same reason that the SPD does not anticipate any impact on its caseload or expenditures, the counties are unlikely to see any increase in case appointments or costs.

Counties would incur some costs to empanel juries in cases in which a jury trial occurs, but these costs may be offset by savings if the scheduling of jury cases leads to prompter resolution of cases and, therefore, shorter time periods that juveniles are held in detention awaiting trial.